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8 Attorneys for Defendant BRANDI AYCOCK

9
10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 AMIT M. EZYONI, BRANDI C.
17 AYCOCK, Et. Al.,

18 Defendants.
19

CASE NO. CR 07-00788 JF/PVT

DECLARATION OF COUNSEL IN
SUPPORT OF EX PARTE
APPLICATION FOR WAIVER OF
PERSONAL APPEARANCE

| Date: 8/13/08
Time: 10:00 am

20 I, JERRY Y. FONG, declare:

21 1. I am an attorney at law, duly licensed to practice before all courts
22 of the State of California. I am the one of the attorneys of record for Defendant
23 BRANDI C. AYCOCK in the above-captioned matter.

24 2. Ms. AYCOCK lives in Florida. Because the appearance on
25 August 13, 2008 is a status hearing, she has requested that her personal
26 presence be waived. The cost and time of traveling to San Jose would create
27 a hardship on Ms. AYCOCK for a hearing in which her presence is not necessary.

28 3. Also, she had just traveled to the Bay Area with her counsel, Ron

1 Gainor, to review discovery at the U.S. Attorney's office, thinking that she
2 would also appear for the August 6, 2008 hearing. Now that the August 6
3 hearing has been continued to August 13, she cannot afford to stay here for
4 another week or make a second trip so soon.

5 4. I spoke with Assistant U.S. Attorney Jeffrey Nedrow regarding Ms.
6 AYCOCK'S presence at the status date. He advised that he has no objection to
7 excusing the Defendant's personal appearance on August 13, 2008.

8 5. Under F.R.Cr.P. 43(c), a Defendant need not be present when the
9 proceeding involves only a conference or hearing upon a question of law.

10 6. Accordingly, I respectfully request that the Court grant Ms.
11 AYCOCK'S request to be excused from the August 13, 2008 hearing.

12 I declare under the penalty of perjury under the laws of the State of
13 California that the foregoing is true and correct, and that this declaration is
14 made on August 8, 2008 at Palo Alto, California.

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18 _____/s/
19 JERRY Y. FONG
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